

**REMARKS**

Claims 17, 19, 21-26 and new claim 28 appear in this application for the Examiner's review and consideration.

Claim 21 has been amended to depend from the independent claim 17, since claim 20 has previously been cancelled.

The Examiner has acknowledged that claim 27 are directed to allowable subject matter. Claim 27 has been cancelled and new claim 28 added to combine claims 27 and the independent claim 17. No new matter has been added by these amendments and additions.

Claims 18, 20 and 27 have been cancelled without prejudice to Applicants' right to file one or more continuing applications directed to any subject matter not presently claimed.

**Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 21-23 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter because claim 21 was dependent upon the cancelled claim 20. Claim 21 has been amended to reflect dependency on the independent claim 17.

**35 U.S.C. § 102(b) Rejection Over Solheim**

Claim 17 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,653,758 to Solheim. The parting line of Solheim, while corrugated and not intersecting with dimple edges, requires an incredible amount of wasted dimple space to achieve this non-intersecting feature, and also the dimples must be aligned in a straight row formation or else the parting line will intersect them. (See Figs. 5 and 6 of Solheim) Figs. 7, 9, and 11 show what would happen with a highly numbered dimple ball, if the Applicants used a parting line based on a single waveform (like Solheim). Now compare the Applicants' parting lines in Figs. 8, 10 and 12, that correspond to Figs. 7, 9, 11 respectively. You see no intersection with dimple edges, yet the dimples are in a

very high density pattern, with minimum spacing. But most importantly, note how the individual dimples on either side interdigitate with each other, i.e. dimples on one side of the lines actually nest with dimples on the other side. With the Applicants' present invention, the dimple arrangements can comprise irregular rows or various sized dimples. This cannot be the case with the parting line of the Solheim patent.

In the Applicants' specification, pg. 3, lines 1-10, it is discussed the importance of dimples. The dimple pattern of a golf ball is a critical factor insofar as the flight characteristics of the ball are concerned. The dimples influence lift, drag and flight stability of the golf ball. And it is well known in the industry that the maximum amount of ball surface that can be covered by dimples is critical to ball performance. Some golf balls may have fewer but larger dimples, and others may have high dimple counts but the size of the individual dimples are smaller.

For claims to be rejected under 35 U.S.C. § 102(b), each and every element as set forth in the claims of the present invention must be found, either expressly or inherently, in a single prior art reference. Applicants respectfully submit that Solheim does not disclose the interdigitation of dimples at the parting line.

Accordingly, independent claim 17 is believed to be in condition for allowance for at least the reasons set forth above. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

#### 35 U.S.C. § 102(b) Rejection Over Sanchez

Claims 17 and 24 were rejected under 35 U.S.C. § 102(b) as being anticipated by Patent No. 5,249,804 to Sanchez. The parting line of Sanchez is corrugated just like Solheim's parting line and discussed above. In fact, Sanchez states (Col. 3, lines 5-9) that the seam on his golf ball (parting line) "is formed in a conventional manner such as disclosed in U.S. Pat. No. 4,653,758 granted Mar. 31, 1987 to Karsten Solheim". As discussed above, Solheim '758 does not anticipate the present invention and neither does Sanchez. As to claim 24, the applicants do not claim to have invented an iconsahedron dimple pattern, but claim patentability because it depends upon an allowable independent claim 17.

For claims to be rejected under 35 U.S.C. § 102(b), each and every element as set forth in the claims of the present invention must be found, either expressly or inherently, in a single prior art reference. Applicants respectfully submit that Sanchez does not disclose all the elements of the claimed invention.

Accordingly, independent claim 17 is believed to be in condition for allowance for at least the reasons set forth above,. Moreover, claim 24 depends from claim 17 and adds additional features. Thus claim 24 is believed to be patentable for the totality of the claimed inventions therein and by virtue of its dependence from the independent claim 17. As such, Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be reconsidered and withdrawn.

**Rejection Over Solheim in view of Sanchez**

Claims 19 and 21-23 were rejected under 35 U.S.C. § 103(a) as being obvious over Solheim '758 in view of U.S. Patent No. 5,249,804 to Sanchez.

As discussed above, neither Solheim nor Sanchez teaches the invention of the Applicants as claimed in claim 17 because neither shows dimples on one side of the parting line interdigitating with dimples on the other side.

The Examiner has repeatedly rejected claims 21-23 stating the parting lines of the references comprise of continuous waveforms around the equator. We must make a strong disagreement with the Examiner's position.

The parting line of the Applicant's golf ball is not just a continuous waveform, but a superposition of the base waveform with shorter waveforms as discussed in the specification on page 8, line 13 to page 10, line 13. Nowhere in the prior art or in any the above references this it taught. The Applicants' create their parting line by super-positioning a base waveform with shorter waveforms. The shorter waveforms are a function of the dimple pattern chosen and the applicable geometry. That is why the parting line shown in Figs. 8, 9, and 12 of the present invention, follow the contour of the individual dimples and not the overall dimple pattern. Neither Solheim nor Sanchez teaches a parting line following the geometry of the individual dimples.

Claim 19 cited a distance of at least 0.001 inch between dimple edges and the parting line. This is understandably only patentable based on the dependence of the claim on a patentable independent claim.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Sanchez fails to cure the deficiencies of Solheim and vice versa. Additionally, neither references, alone or in combination, discloses the implementation of a shorter waveforms superimposed on a longer base waveform.

The rejection under 35 U.S.C. § 103(a) is believed to have been overcome for at least the above reasons. Applicants respectfully request reconsideration and withdrawal thereof.

#### Rejection Over Solheim in view of Sajima

Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being obvious over Solheim '758 in view of U.S. Publication 2002/0019274 to Sajima. *et al.* Sajima discloses the use off octahedral or cube-octahedral dimple patterns.

The Applicants concede that these claims are only patentable because they are dependent upon a patentable independent claim, and they further define the patentable claim.

#### Conclusion

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' agent would further the prosecution of this application, the Examiner is encouraged to call the agent at the number below.

No fee is believed to be due for this submission. However, should any required fees be due, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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Date